

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

KEITH BRUNO TITSWORTH,

Petitioner,

v.

Case No. 22-381-JFH-GLJ

STEVEN HARPE, DOC Director,

Defendants.

OPINION AND ORDER

Petitioner Keith Bruno Titsworth (“Titsworth”) is a pro se prisoner in the custody of the Oklahoma Department of Corrections (“DOC”) who is incarcerated at Lawton Correctional Facility in Lawton, Oklahoma. On December 29, 2022, he filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his murder conviction in Carter County District Court Case No. CF-2011-362. Dkt. No. 1. Titsworth claims the State of Oklahoma lacked subject-matter jurisdiction, because he is an Indian and the alleged crime occurred in Indian Country. *Id.* at 5.

On January 18, 2023, the Court found that Titsworth had not paid the required \$5.00 filing fee or submitted a proper motion for leave to proceed *in forma pauperis*. Dkt. No. 5. The Court Clerk mailed Titsworth a copy of the Court’s *in forma pauperis* form. *Id.* On January 20, Petitioner filed the *in forma pauperis* motion, however, it was denied. Dkt. No. 7. Petitioner was directed to pay the \$5.00 filing fee or to show cause why he is unable to pay the fee by February 13, 2023. *Id.* On April 19, 2023, the Court dismissed this action without prejudice for Titsworth’s failure to pay the filing fee as directed, and judgment was entered. Dkt. No. 10; Dkt. No. 11.

On May 10, 2023, the Court received a letter from Titsworth in response to the dismissal. Dkt. No. 12. The letter was construed as a motion for relief from a judgment or order pursuant to

Fed. R. Civ. P. 60(b). Dkt. No. 13. Titsworth alleges he asked his case manager if his disbursement was approved for the \$5.00 legal fee to this Court. His case manager advised that it was approved and sent out, and Titsworth never received a denial for the disbursement from the Lawton Correctional Facility Trust Fund. Titsworth also claims he wrote to the Court Clerk asking for a receipt for his filing fee, but he never received a response.

The Court has diligently searched its records and has found no record of Titsworth's paying the filing fee. In this Court, when a filing fee is paid by a prisoner, the prisoner is mailed a receipt. No receipt for a payment by Titsworth's was returned by the postal service. Further, although Titsworth claims his case manager told him the money had been disbursed, he has failed to submit a copy of his disbursement record to verify that the disbursement was made. Titsworth, therefore, is granted fourteen (14) days from the entry of this Opinion and Order to submit a copy of his Inmate Account History or other prison disbursement record showing that the \$5.00 filing fee was sent to this Court.

IT IS THEREFORE ORDERED that Petitioner Titsworth shall submit a copy of his Inmate Account History or other prison disbursement record showing that the \$5.00 filing fee for this case was sent to this Court no later than May 29, 2023.

Dated this 15th day of May 2023.


JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE